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Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record of the first part (public)* of the 11th meeting
Held at the Palais Wilson, Geneva, on Monday, 5 May 2014, at 10 a.m.

Chairperson: Mr. Kedzia

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 10.15 p.m.

Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights (*continued*)

Lithuania

1. **Ms. Poskeviciute** ("I can live" Coalition and Eurasian Harm Reduction Network), referring to article 12 of the Covenant, said that, due to a lack of financial resources, the availability of risk reduction services, in particular opioid substitution therapy, was very limited in Lithuania and had declined steadily since 2012. That meant that HIV and hepatitis C affected drug users disproportionately. In addition, prisoners who injected drugs — a widespread practice in Lithuanian prisons — did not have access to risk reduction services. Lithuania was the only country in the European Union in which HIV testing was not funded by the State, even though it had the means to provide affordable risk reduction services, particularly opioid substitution therapy, to its population. By not guaranteeing prisoners the same level of health care as the rest of the population, the Government of Lithuania failed to comply with its national and international human rights obligations.

China, including the Hong Kong and Macao Special Administrative Regions

2. The representative of the **Equal Opportunities Commission** noted that there was no human rights commission in Hong Kong and that Chinese legislation provided no protection against discrimination on the basis of sexual orientation and age. Furthermore, legislation on sexual harassment was not fully developed, and there was no long-term policy on mental health. Pointing out that Chinese was a difficult language, he said that the Government should improve training programmes for teachers of Chinese so as to prepare them for teaching students belonging to ethnic minorities. He added that the scope of intervention of the Equal Opportunities Commission was limited and that a human rights commission could provide broader coverage in terms of protecting human rights.

3. The representative of the **Civil and Political Rights Monitor** said that Chinese workers could not join trade unions that were not members of the All-China Federation of Trade Unions — a governmental body whose leaders were appointed by the Government — and that Chinese legislation did not recognize the right to strike. In fact, strikers were often punished, and non-governmental organizations (NGOs) dedicated to advancing the rights of workers were actively suppressed by the authorities. The Civil and Political Rights Monitor was of the view that the Chinese Government should withdraw its reservation to article 8 of the Covenant, take steps to guarantee the right of workers to set up and join trade unions, eliminate policies that restricted the activities of NGOs and release individuals imprisoned for peaceful assembly or association.

4. The representative of the **Justice Policy Institute** said that the national household registration system was discriminatory. In China, many people did not hold a residence certificate (hukou) issued by the system, whereas that document was indispensable for accessing education, housing, medical care, social assistance and obtaining an identity card. In addition, under the one-child policy, families with two children faced serious difficulties in obtaining a residence certificate for their second child. Any unmarried woman who had a child was considered to have infringed the one-child policy. The Government should abolish the national household registration system and take concrete steps to ensure that all citizens had equal access to public services, including social security.

5. The representative of **Smiley Gongyi** said that the authorities continued to collude with developers and to expel urban residents with a view to demolishing their homes. Moreover, they failed to provide fair compensation to victims and took reprisals against those who tried to lodge an appeal. Several individuals who had refused to leave their

homes had been killed. The new regulations did not prevent forced evictions, as they allowed local authorities to take decisions concerning land use without public consultation. There were no independent judicial institutions before which victims of forced eviction could seek redress. China should indicate the number of investigations that had been conducted into illegal and violent evictions and demolitions, and the number of public officials who had been held accountable for such abuses.

6. The representative of the **Human Rights Documentation Centre**, referring to article 12 of the Covenant, said that the Centre was concerned about violations of the rights to life and health of human rights defenders imprisoned in China. Compulsory medical examinations of prisoners, which were required by law, were not carried out, and procedures for granting bail were not followed. Some individuals died in custody owing to a lack of medical care, and those responsible were never prosecuted. The Human Rights Documentation Centre urged China to authorize the opening of independent investigations into the death of Cao Shunli, a human rights defender who had died in custody, and to prosecute those responsible for such acts of negligence.

7. **Mr. Tirado Mejía** said he wished to know whether the authorities considered that single women who had a child violated the one-child rule and asked whether those women were victims of discrimination.

8. **Ms. Bras Gomes** asked whether the Chinese Government had followed up on the Committee's most recent concluding observations concerning the national household registration system.

9. **Mr. Schrijver** asked how many persons were included in the national household registration system.

10. **Mr. Ribeiro Leão** requested additional information on the comprehensive plan to alleviate poverty that had been implemented in China. In addition, he would like to have statistical data on forced evictions.

11. **Ms. Shin** asked whether there were any laws or regulations concerning forced evictions. She also wished to know whether political prisoners were the only prisoners who were denied medical treatment.

12. **Mr. Sadi** requested clarification concerning the one-child policy, as it was his understanding that the policy had been withdrawn. He asked whether the authorities carried out forced evictions with the aim of building social housing and whether they offered alternative accommodation to evicted persons.

13. **Mr. Dasgupta** asked what form of compensation was offered to evicted persons.

14. The representative of the **Justice Policy Institute** said that the majority of Chinese people were included in the national household registration system but that 250 million migrant workers were particularly disadvantaged by that system. With regard to the one-child policy, he explained that quotas had been eased, but the policy was still in force.

15. The representative of **Rights Defenders Cooperation Support Group**, referring to article 10 of the Covenant, said that the Chinese Government had made very little progress in implementing the International Labour Organization Conventions on child labour. In China, many children continued to work in illegal and dangerous conditions, without State supervision. In addition, domestic violence against women remained a major problem, as women were not granted adequate legal protection. China had only a few shelters for battered women and did not have a comprehensive law on domestic violence. The regulations banning corporal punishment in schools and at home were unevenly implemented, and corporal punishment in the home was not punishable by law. The law on the protection of minors had not succeeded in putting an end to child abuse and

abandonment, which remained widespread. The Government should establish mechanisms for implementing the law on the protection of minors and prescribe penalties in the event of non-compliance.

16. The representative of **Civil Rights and Livelihood Watch** said that China had made little progress in protecting and promoting the right to education, particularly in the case of children living in rural areas and children of migrant workers. Indeed, the rural residence certificates issued to those children did not allow them to enrol in urban schools, which were better equipped and more numerous than rural schools. Moreover, compulsory public education was not always free of charge. The Government should undertake the necessary expenditure to ensure that all children had equal access to education.

17. The representative of **Tibet Monitor** said that Chinese Government pursued a policy that favoured the Han Chinese at the expense of Tibetans in the areas of employment, investment and trade. He asked the Chinese delegation to provide information on the measures taken to protect the political, economic, social and religious rights of Tibetans, to facilitate access to Tibet for experts of the Office of the United Nations High Commissioner for Human Rights, representatives of human rights organizations and the media in order to allow for an independent review of the situation in the region and to impose criminal sanctions on those who perpetrate violence against Tibetans.

18. The representative of the **Tibet coalition** said that at least 130 Tibetans had engaged in self-immolation as a means of protest against the deprivation of their cultural and religious rights. In violation of article 11, the People's Republic of China had expelled and confiscated the lands of nomadic peoples, jeopardizing their livelihoods, their culture and their traditions. She requested that China should be required to produce documents certifying to the prior consultation of the persons who were to be displaced and to having obtained their consent. She drew attention to attacks against Tibetans in violation of article 15, namely the "patriotic rehabilitation" to which Buddhist monks had been subjected, and the thousands of arrests of protesters.

19. **Mr. Schrijver** asked whether primary education was free of charge.

20. **Ms. Shin** asked whether education in Tibet was provided only in Chinese or whether it was also provided in Tibetan.

21. **Ms. Bras Gomes** asked whether training internships in factories were part of the "Diligent Work and Economical Study" (*qingong jianxue*) programme, which had been mentioned in the Committee's previous concluding observations.

22. The representative of **Civil Rights and Livelihood Watch** said that the law stipulated that primary education was to be provided free of charge, but that teachers and school principles frequently applied processing or exam fees. The education system was managed by district and county administrations and fell outside the purview of the central Government.

23. The representative of **Tibet Monitor** said that, since the educational reform of 2009, the number of courses taught in Tibetan had been decreasing, whereas the number of those taught in Chinese had been increasing. Public campaigns had been launched on the subject of school enrolment.

24. The representative of the **Tibet coalition** said that corruption and political favouritism threatened the cost-free availability of education. In addition, many leading Chinese universities did not offer any courses in ethnic minority languages.

25. The representative of **Rights Defenders Cooperation Support Group** said that training internships in factories were intended for young people who, in some cases, were

under the age of 16 and who, during their internship, were not entitled to any form of social protection and were sometimes paid as little as 15 per cent of the normal wage.

26. **Ms. Casey O'Connor** (Human Rights in China) drew attention to the problem of corruption, which took its toll on all economic, social and cultural rights. In its replies to the list of issues (E/C.12/WG/CHN/Q/2), China indicated its desire to combat corruption and invited civil society to participate in that struggle. However, several members of the New Citizens' Movement had been imprisoned for their efforts to promote transparency, which had included requesting the disclosure of the assets of senior managers and proposing an anti-corruption bill. Such reprisals not only undermined the human rights system as a whole but also deprived China of the valuable contributions of civil society.

27. The representative of **Labour Action China** said that the right to enjoy just and favourable conditions of work in China was in jeopardy, as evidenced by occupational diseases, including benzene poisoning, which were beginning to worry the Chinese authorities. Workers who were exposed to chemicals were not afforded proper protection and were not informed of the risks to which they were exposed. The legal vacuum in that area could be exploited by foreign multinationals as a way of exporting their excessively polluting activities to China and to other developing countries.

28. The representative of **China Disabled Persons' Federation** acknowledged that the situation of persons with disabilities in China had greatly improved, whether in terms of social benefits, education, accessibility or employment, following the ratification in 2008 of the Convention on the Rights of Persons with Disabilities. However, substantial investments were still needed in order to address the lack of basic public services and the disparities between urban and rural areas.

29. The representative of the **Global Initiative for Economic, Social and Cultural Rights** requested the Committee to remind China of its extraterritorial obligations under the Covenant, following the serious human rights violations that had been committed by several private and public Chinese enterprises, as well as Chinese investment and development institutions in Latin America and Africa. Those violations, which often included evictions and the monopolization of natural resources, were facilitated by the lack of national human rights evaluation, monitoring and complaint mechanisms.

30. The representative of the **Chinese People's Association for Peace and Disarmament** drew attention to the efforts made by China to ensure that each of its 55 ethnic minorities enjoyed the same political, economic, social, cultural, linguistic and religious rights by means of the Constitution or the adoption of preferential measures whose aim was to accelerate economic development. In 2013, the combined Gross Domestic Product (GDP) of eight regions and provinces had risen by 10.7 per cent in relation to 2012. Various forms of traditional culture, such as the Tibetan opera, had been preserved and promoted. Ethnic minorities were afforded specific subsidies in the area of education. In Tibet, education was provided free of charge in three languages: Chinese, Mandarin and English.

31. The representative of the **Unrepresented Nations and Peoples Organization** expressed concern at the marginalization and exploitation of the Mongolian, Uyghur and Tibetan peoples, whose living conditions were significantly inferior to those of Chinese settlers, whose number was increasing and who were given preference with regard to certain jobs. The development policy of the Chinese Government had resulted in the expulsion, without consultation or compensation, of thousands of nomads from their ancestral lands. As early as August 2009, the Committee on the Elimination of Racial Discrimination had noted that incentives to settle and work in the regions of the autonomous minorities risked upsetting the latter's demographic composition. Along those lines, between 50 and 80 per cent of the Tibetan Plateau nomads were thought to have been

expelled for the purposes of natural resource exploitation. He invited the Committee to consider measures taken to disrupt the way of life of those nomads as a form of "cultural genocide". China must cease the exploitation of natural resources and land in Xinjiang, Tibet and Inner Mongolia and ensure that all economic development programmes were carried out with the prior consent of the populations concerned.

32. **Mr. Mueller** (International Campaign for Tibet) said that the situation of economic, social and cultural rights had greatly deteriorated since the consideration of the initial report of China in 2005. With regard to the right to an adequate standard of living, the implementation in Tibet of policies whose aim was to relocate Tibetan nomads to remote areas and cities threatened their traditional way of life, which was an integral part of the Tibetan identity and led, in particular, to the violation of their right to work. Concerning the right to education, Tibetan children were required to take courses that, for the most part, were taught in Mandarin — a language that 80 per cent of them did not speak — which essentially resulted in assimilating them into Chinese culture. In November 2012, thousands of students had demonstrated against that language policy, and eight of them had been sentenced to imprisonment. Lastly, with regard to the right to take part in cultural life, for the past several years, the Chinese Government had been exercising greater control over Tibetan religious practices. The Committee could request the Chinese Government to take all necessary measures without delay in order to guarantee the economic, social and cultural rights of the Tibetan people, and particularly the independence of the judiciary.

33. **Mr. Isa** (World Uyghur Congress) drew attention to the discrimination suffered by Uyghurs in China. They were excluded from decision-making positions, and many were unemployed or subjected to poor working conditions. Although the Xinjiang Uyghur Autonomous Region possessed natural resources, especially coal, 90 per cent of the population lived below the poverty line. Their right to health was also denied, owing to the lack of health facilities, and the nuclear tests carried out in the region between 1964 and 1996 had resulted in an increased cancer rate, which was 30 per cent higher in the region than in the rest of the country.

34. The Government planned to make Chinese the language of instruction from primary school through to university, even though Uyghur had been declared an official language in 1965. In addition, tens of thousands of books published in that language had been burned in the past few years, which had contributed to the destruction of the cultural heritage of the Uyghur people. The Committee should request the State party to eradicate discriminatory employment practices, ensure access to health care and guarantee respect for cultural and religious rights in the autonomous region, as well as to preserve the Uyghur language and stop imprisoning Uyghur cultural rights activists.

35. **Mr. Ineichen** (International Service for Human Rights) said that Ms. Cao Shunli, a human rights activist who had recently died in custody owing to a lack of proper care, had been arrested while on her way to Geneva to attend a meeting of the Human Rights Council. The Committee was invited to request that the Government should conduct a thorough investigation into her death and to provide compensation to her family, as well as to ensure the provision of proper health care to prisoners. In order to protect human rights defenders, the Committee might also obtain assurances from the Chinese Government that human rights defenders who attended meetings of the human rights treaty bodies would not be harassed on their return to China. Lastly, he was of the view that the Committee's meetings with States parties could be held in private in order to minimize the risks faced by participants.

Hong Kong Special Administrative Region (HKSAR)

36. **Ms. SZE Lai Shan** (Society for Community Organization) said that, in Hong Kong, some 200,000 people lived in housing that left much to be desired and that the supply of

social housing was so inadequate that it sometimes took as long as 10 years for one's name to come to the top of the waiting list, especially in the case of single people. Private rents were so exorbitant that the poor and those receiving social assistance could not afford housing. Expulsions were commonplace, and expelled persons were not afforded any legal protection. The Committee could invite the Hong Kong SAR Government to build 35,000 new social housing units each year and to make more housing units available to single persons.

37. In order to ensure the protection of the 7,000 children in Hong Kong whose father was from Hong Kong and was either deceased or neglected his family obligations, and whose mother was from the Chinese mainland, the Hong Kong SAR Government and the Chinese Government should coordinate in granting an entry visa to the mothers of those children in order to enable them to care for their children in the territory of Hong Kong, since those children were not included in the household registration system (hukou) and could therefore not reside in mainland China. The Hong Kong SAR Government should also exercise its prerogative to issue identity cards to those mothers.

38. **Mr. Leawitt** (Rainbow Action Hong Kong) said that sexual minorities in Hong Kong were subjected to severe discrimination and that the time had come for the Hong Kong SAR Government to enact a law prohibiting discrimination on the basis of sexual orientation – a law which, according to a survey, was supported by 60 per cent of the population. The Committee might therefore ask the Hong Kong SAR Government when exactly it intended to open a public debate on the suitability of such a bill. The Committee could also request the Government to withdraw the bill that would require transgender people to undergo excision of the genital organs and reconstructive surgery as a prerequisite for the legal recognition of their new gender.

39. **Ms. Kong** (University of Hong Kong, Faculty of Law) said that economic, social and cultural rights were not on a par with civil and political rights in the legal system of the Hong Kong SAR, since the International Covenant on Civil and Political Rights had been incorporated into its domestic legal system by virtue of the Hong Kong Bill of Rights Ordinance, while the International Covenant on Economic, Social and Cultural Rights had been incorporated into the Basic Law and some 50 different laws. The Committee could therefore request the Hong Kong SAR Government to fully incorporate the provisions of the Covenant into its domestic legal system through the promulgation of a general law.

40. **Mr. Kai Yuk Law** (Human Rights Monitor) said that persons with disabilities were usually placed in specialized institutions and were thus deprived of a family environment. Medical and social services for persons with psychosocial disabilities were almost non-existent. Migrant domestic workers were subjected to severe discrimination and were virtually reduced to servitude, which one could characterize as a contemporary form of slavery. Furthermore, the Committee should express its concern at restrictions on the freedom of the press in mainland China and in Hong Kong, at the violence to which journalists were subjected and at the fact that the elections in Hong Kong were not democratic.

41. **Mr. Andrews** (UNISON) said that the members of the ethnic minorities in Hong Kong were not immigrants but rather the descendants of those who had contributed to the prosperity of Hong Kong. Despite that fact, they were subjected to de facto racial segregation, particularly in the areas of employment and education. It was urgent for the Hong Kong SAR Government to ensure compliance with the obligation of ethnic minority children to study Cantonese as a foreign language.

42. **Mr. Tsoi** (Hong Kong Human Rights Commission/Society for Community Organization) said that the Hong Kong SAR Government should take appropriate measures to combat the widespread discrimination and harassment suffered by persons from the

Chinese mainland in Hong Kong, especially in the areas of housing, social protection and access to health care. In particular, it could amend the Race Discrimination Ordinance along those lines. The Government should also adopt a comprehensive strategy for alleviating poverty, which had grown at an alarming rate since 1997, and take measures to reduce wage inequalities.

Macao Special Administrative Region (MSAR)

43. **Ms. Devoy** (Anti-Domestic Violence Coalition) said that the bill on domestic violence, which the Macao SAR Government was preparing to submit to the Legislative Assembly, mirrored the provisions currently in force. According to those provisions, it was up to the victim to file a complaint in order to institute criminal proceedings – something they rarely did, given that the perpetrator was often a family member, such as a father or a husband. The Government seemed to give precedence to the protection of victims rather than on repression, but victims could not genuinely be protected if the perpetrators were not punished. The Coalition was therefore calling on the Committee to strongly urge the Macao SAR Government to formulate an equitable law that protected victims while at the same time holding perpetrators accountable.

44. **The Chairman** recalled that the Committee attached great importance not only to the work but also to the safety of human rights defenders, and that holding such meetings in public, as provided for in the Committee's rules of procedure, had the advantage of allowing NGOs to defend their cause publicly. That said, the Committee did not exclude the possibility of holding a closed meeting if particular circumstances so warranted.

The first part (public) of the meeting ended at 12.30 p.m.